IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
Roanoke Division

CARY HENDRICK, *et al.*,

Plaintiffs,

v. CASE NO. 7:16-CV-0095

DONALD CALDWELL, *et al.*,

Defendants.

MOTION TO DISMISS

COME NOW Defendants Donald Caldwell and Michael Herring, by counsel, and, pursuant to Rule 12 of the *Federal Rules of Civil Procedure*, respectfully move this Honorable Court to dismiss the claims against them, for the reasons set forth in the Memorandum accompanying this Motion.

Respectfully submitted,

DONALD CALDWELL and MICHAEL HERRING, Defendants.

By: s/ Margaret Hoehl O'Shea

Margaret Hoehl O'Shea, VSB #66611
Assistant Attorney General
Criminal Justice & Public Safety Division
Office of the Attorney General
900 East Main Street
Richmond, Virginia 23219
(804) 225-2206
(804) 786-4239 (Fax)
Email: moshea@oag.state.va.us

s/ Nancy Hull Davidon
Nancy Hull Davidson, VSB #85536
Assistant Attorney General
Criminal Justice & Public Safety Division
Office of the Attorney General
900 East Main Street
Richmond, Virginia 23219
(804) 692-0551
(804) 786-4239 (Fax)

Counsel for Defendants.

CERTIFICATE OF SERVICE

I hereby certify that on the 12th day of April 2016, I electronically filed the foregoing Motion to Dismiss with the Clerk of the Court using the CM/ECF system, which will send a notification of such filing (NEF) to the following:

Mary Frances Charlton
Legal Aid Justice Center
1000 Preston Ave., Ste. A
Charlottesville, Virginia 22903
(434) 529-1839
maryc@justice4all.org

Mary Bauer
Legal Aid Justice Center
1000 Preston Ave., Ste. A
Charlottesville, Virginia 22903
(434) 529-1839
mary@justice4all.org

Erin Trodden
Legal Aid Justice Center
1000 Preston Ave., Ste. A
Charlottesville, Virginia 22903
(434) 529-1839
erin@justice4all.org

Amy Walters
Legal Aid Justice Center
1000 Preston Ave., Ste. A
Charlottesville, Virginia 22903
(434) 529-1839
amyw@justice4all.org

Mark D. Young
Skadden, Arps, Slate, Meagher & Flom LLP
1440 New York Avenue, NW
Washington, DC 20005
(202) 371-7680
mark.d.young@skadden.com

Donald P. Salzman
Skadden, Arps, Slate, Meagher & Flom LLP
1440 New York Avenue, NW
Washington, DC 20005
(202) 371-7983
donald.salzman@skadden.com

Theodore M. Kneller
Skadden, Arps, Slate, Meagher & Flom LLP
1440 New York Avenue, NW
Washington, DC 20005
(202) 371-7264
ted.kneller@skadden.com

Maureen A. Donley
Skadden, Arps, Slate, Meagher & Flom LLP
1440 New York Avenue, NW
Washington, DC 20005
(202) 371-7570
maureen.donley@skadden.com

And I hereby certify that I have mailed the document by United States Postal Service to the following non-filing user: N/A

By: s/ Margaret Hoehl O'Shea

Margaret Hoehl O'Shea, AAG, VSB #66611
Criminal Justice & Public Safety Division
Office of the Attorney General
900 East Main Street
Richmond, Virginia 23219
(804) 225-2206
(804) 786-4239 (Fax)
Email: moshea@oag.state.va.us

Counsel for Defendants